

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ROBERT ARMOR,	: CIVIL ACTION NO.
	: 1:12-CV-2719-TWT-JSA
Plaintiff,	:
	:
v.	:
	:
FEDERAL EXPRESS CORPORATE	:
SERVICES, INC.,	: <b>NON-FINAL REPORT AND</b>
	: <b>RECOMMENDATION ON A</b>
Defendant.	: <b><u>MOTION TO DISMISS</u></b>

This matter is before the undersigned on Defendant Federal Express Corporate Services, Inc.’s Motion to Dismiss [4] (“Motion”). Defendant filed its Motion [4] on October 23, 2012. Plaintiff on November 6, 2012 filed an Amended Complaint [6]. Because Defendant’s Motion [4] is directed to Plaintiff’s Complaint [1], Plaintiff’s filing of his Amended Complaint [6] moots Defendant’s Motion to Dismiss [4]. *See Dresdner Bank AG, Dresdner Bank AG in Hamburg v. M/V OLYMPIA VOYAGER*, 463 F.3d 1210,1215 (11th Cir. 2006) (“An amended pleading supersedes the former pleading; the original pleading is abandoned by the amendment, and is no longer part of the pleader’s averments against his adversary.”) (internal quotations and citation

omitted). As such, the undersigned **RECOMMENDS** that Defendant's Motion to Dismiss [4] be **DENIED WITHOUT PREJUDICE** as moot.

**IT IS SO RECOMMENDED** this 28th day of November, 2012.

A handwritten signature in blue ink, appearing to read 'Justin S. Anand', is written over a horizontal line.

JUSTIN S. ANAND  
UNITED STATES MAGISTRATE JUDGE